

V. GENERAL ROLES AND RESPONSIBILITIES



A. Public Records Coordinator

The file room clerks for Headquarters and the Regions have been designated as Public Records Coordinators (PRC). It shall be the responsibility of the PRC to implement this policy and procedures. The responsibilities of the PRC include the following:

1. Analyze records requests to ensure that the records are adequately described.
2. Respond to requestor by acknowledging receipt of requests (see Attachment 1 - sample form letter).
3. Assist the requestor with identifying records being sought and in formulating the records request.
4. Timely notify the appropriate program supervisor of the records request. Because of the short response time required for record requests it is important that the PRCs directly contact the appropriate program supervisor about the records request in addition to sending a referral memo (See Attachment 2 - referral memo).
5. Ensure that all non-confidential records be made available for public review in a timely manner.
6. Distribute copies of requests to the appropriate programs when requests require involvement and reply from multiple programs and coordinate program responses to the records requests.

7. Track all requests by assigning a tracking number and track through final resolution, including follow-up if necessary for outstanding requests.
8. When necessary assist the appropriate program staff in providing a written response to the requestor.
9. Respond to the request by notifying the requestor of the date, time and place where the records may be viewed where the program staff assigned the request have determined that no records identified in the request are exempt from disclosure.
10. Maintain a file of written records requests received by the Department and the Department's responses to the requests, including denials.
11. Follow-up with the program supervisor assigned to the records request to ensure that a Department response to the request is mailed before the ten day response time limit has elapsed.

PRC's shall verify that all record requests have been screened for exempt records by the program staff assigned to the request before the records are made available to the requestor. The PRC shall provide program staff with a public review form (see Attachment 3-Public Review Form) to fill out when conducting the file screening process. The PRC shall also ensure that the public review form is completed by the records requestor before the records are disclosed to the requestor. The public review form shall be filed by the PRC in the facility or site file as applicable. The PRC shall supervise file reviews by record requestors and obtain payment of fees for records which are copied by the Department for the requestor. File reviews shall be supervised to ensure that Department records are returned to their original file condition, that records are not defaced and that records are not lost. The PRC shall notify program staff that have been assigned to the records request of the appointment date and time that has been made for the requestor to view the records. NOTE: Some offices maintain their own filing systems (e.g., Audits, Contracts, Cost Recovery, Fees, Manifests, Site Mitigation, Special Projects, etc.). In these instances, each office with an autonomous filing system shall designate a "file room technician" as the PRC to interact with the public on public records requests.

B. Program Staff (or Project Managers)

All program staff are responsible for developing and augmenting the files for the facilities or sites to which they are assigned. CONFIDENTIAL RECORDS SHOULD BE FILED IN SEPARATE RED CONFIDENTIAL FILES, CLEARLY MARKED CONFIDENTIAL.

Program staff are also responsible for timely responding to requests for public records which have been assigned to them. Program staff must notify the person making the request for public records whether or not the Department will comply with the request within 10 days from the date the Department received the request. (Government Code §6256.) In "unusual circumstances" the Department may extend the 10 day response period. The occasions when "unusual circumstances" may exist are discussed in Part X of this document.

If a phone inquiry is made to program staff, the caller should be asked to address the written inquiry to the PRC's attention. There will be times when a request is mailed or telecopied (faxed) directly to a program person. In these instances the request must be forwarded to the PRC IMMEDIATELY. It is imperative that any requests for public records be date stamped and logged as soon as they are received, since the date of receipt starts the 10 day response period running.

Although the PRC is responsible for advising program staff that records must be screened for confidentiality, it is the responsibility of the program staff to actually screen the records for exempt information prior to releasing the records for review. The program person shall contact the PRC upon completing the screening for exempt information so an appointment can be arranged for the requestor to review the file. For requests requiring a response by multiple programs, each program is responsible for responding directly to the PRC and/or requestor for the portion of the request which pertains to their program.

The program person shall copy (i.e., "cc") the PRC with all written correspondence to the requestor. This includes a copy of any Department response to a public records request, denial of the request, or denial of any part thereof. The PRC shall be provided a copy of any such Department response to the public records request before the 10 day response period has elapsed so that the PRC can verify that the request is responded to in a timely manner. In the event the matter is handled over the telephone, the program person shall complete a telephone memo sheet (see Attachment 4 - Telephone Memo Sheet) and send a copy to the



PRC.

Where part or all of a records request is denied because the request includes exempt records, the program person must follow the denial procedures outlined in Part XII of this document.

Program staff must notify the Office of Legal Counsel of a public records request before responding to that request where the request pertains to a facility or site which is the subject of a pending Department enforcement action or other administrative or judicial proceeding where the Department is an interested party.

C. Office of Legal Counsel

The Office of Legal Counsel (OLC) will provide advice, as necessary, to staff involved in responding to public records requests. OLC should be consulted whenever requested records are to be denied, or where there is a question regarding whether or not a particular record is exempt. The regional attorneys will be available for consultation on public records matters due to the short response time limit.

The OLC is responsible to log in all subpoenas duces tecum. Department staff served with a subpoena duces tecum shall provide a copy to OLC so that it can be logged and reviewed by OLC. Those subpoenas duces tecum which pertain to matters of Department responsibility or concern will be forwarded to appropriate staff. The OLC will provide counsel and support to affected staff and the subpoena duces tecum will be tracked by OLC to ensure timely and appropriate response.

For subpoenas duces tecum that do not pertain to matters of Department responsibility or concern, the OLC will forward to the appropriate staff. In these cases, the OLC will only note in the log the date the subpoena duces tecum was received, who it was forwarded to and the date forwarded.